THE HON'BLE MR. JUSTICE V.V.S. RAO

WEDNESDAY, THE 4th DAY OF JANUARY, 2006

W.P.No.27649 of 2005

Between:-

Ch. Srikanth and another.

--Petitioners

And

The Government of Andhra Pradesh, rep., by its Secretary, Industries and Commerce Department, Secretariat, Hyderabad and seven others.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No. 27649 of 2005

:O R D E R:

The petitioners are residents of Indugupalli village, Kanneveedu (P), Vatsavai mandal, Krishna district. It is a riparian village situated on the banks of Munneru river, which is a tributary of river Krishna. It is the case of the petitioners that in 1999, the third respondent conducted auction to lease out the quarrying of sand in river in contravention of the rules and guidelines issued by the government. They further allege that the sand reaches within the revenue limits of Indugupalli village were not, in fact, notified. However, when they were sought to be auctioned, some of the villagers approached this court and obtained orders of stay of auction. It is their contention that if quarrying of sand in Munneru river in Indugupalli village is permitted, the same would result in depletion of ground water and ecological imbalance severely affecting the sand bed and river bank. They also submit that Rural Water Supply Scheme has been implemented by pumping water from bore-well near the river bed and that seven villages are being supplied drinking water. If 600 to 700 lorry loads of sand is quarried and transported from the area, the same would result in depletion of ground water. They therefore seek a writ of Mandamus declaring the action of the respondent Nos. 1 to 8 in permitting sand quarrying in Munneru river within the limits of Indugupally village as illegal and arbitrary.

Learned counsel for the petitioners placed strong reliance on Rule 9-V of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short 'the Rules') in support of the contention that whenever ground water affect is notified, it is incumbent on the part of the Collector and District Panchayat Officer to de-notify sand bearing areas and prohibit sand quarrying from such areas. According to the learned counsel, if sand quarrying is allowed to greater depths in the riverbeds, in the long run, entire river system will be damaged posing great threat to the village itself.

Learned Assistant Government Pleader for Panchayat Raj, after getting instructions from the fourth respondent, submits that there are six reaches falling either within the revenue mandal of Indugupally village or in the near vicinity of the said village and that the respondents have not auctioned all the reaches in the area. However, in obedience to the orders of this court in W.P.No. 11088 of 2005 dated 07-11-2005, the sand reach in Vatsavai mandal was auctioned for about seventy five (75) days from 03-12-2005 to 15-02-2006 and that auction is yet to be conducted for other five reaches.

In view of the submission made by the learned Assistant Government Pleader, the apprehension of the petitioners that the respondents are allowing sand quarrying illegally cannot be accepted. The submission of the learned counsel for the petitioners that excessive sand quarrying in the river from greater depths would result in ecological imbalance is not without any substance. In this background, this court is of the considered opinion, that the second respondent herein viz., the District Collector, Krishna may take appropriate decision in the matter as to whether the sand reaches in Indugupalli village should be auctioned or not after obtaining a technical report from the Deputy Director of Ground Water, who has jurisdiction over the area. This observation would safeguard the interest of the petitioners.

The writ petition is, accordingly, disposed of. No costs.

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V.V.S. RAO, J

04-01-2006

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